

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gavin Milczarek-Desai on June 1, 2011.

The application has been amended as follows:

Claims 2, 17-20, and 22 are canceled.

Claim 1 should read:

1. A method for fit testing a respirator having a breathing port, comprising the steps of:
 - (a) placing the respirator on a test subject's face,
 - (b) having the test subject hold his breath,
 - (c) activating a switch that closes a breathing port of said respirator, thereby initiating a controlled negative pressure testing protocol, after monitoring of intra-respirator pressure indicates said intra-respirator pressure substantially equals ambient pressure;
 - (d) producing and maintaining a predetermined level of vacuum in the respirator; and

(e) measuring a flow rate of air necessary to maintain said level of vacuum[.]; wherein the test subject inhales immediately before holding his breath.

Claim 21 should read:

21. A method for fit testing a respirator having a breathing port and worn on the face of a test subject whom is holding a breath, wherein the test subject inhales immediately before said breath holding, the method comprising the steps of:

(a) initiating a controlled negative pressure testing protocol, after monitoring of an intra-respirator pressure indicates said intra-respirator pressure substantially equals ambient pressure;

(b) producing and maintaining a predetermined level of vacuum in the respirator; and

(c) measuring a flow rate of air necessary to maintain said level of vacuum.

2. The following is an examiner's statement of reasons for allowance: The prior art of record does not disclose the claimed method steps of claims 1 and 21 such as: having a test subject inhale immediately before holding his breath and activating a controlled negative pressure testing protocol after monitoring of intra-respirator pressure substantially equals ambient pressure.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VALERIE L. SKORUPA whose telephone number is (571)270-1479. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on (571)272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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